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August 12, 2021

VIA ECF

Honorable Edward R. Korman
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Government Employees Ins. Co., et al. v. Jacobson, et al.*
Docket No. 15-cv-7236-ERK-RML
RR File No.: 005100-01007

Dear Judge Korman:

As the Court may recall, we represent Plaintiffs Government Employees Insurance Co., GEICO Indemnity Co., GEICO General Insurance Company and GEICO Casualty Co. (collectively “GEICO” or “Plaintiffs”) in the above-referenced matter. Plaintiffs respectfully submit this letter motion seeking an Order permitting Plaintiffs to serve their trial subpoenas on Defendants Jongdug Park, D.C. (“Park”) and Gerlando Zambuto, D.C. (“Zambuto”) by serving the trial subpoenas on Park and Zambuto’s counsel in this action, Matthew J. Conroy, Esq.

There is good cause for this motion. Though Mr. Conroy is counsel of record for Park and Zambuto, Mr. Conroy incongruously contends that he lacks the authority to accept service of Plaintiffs’ trial subpoenas on behalf of his own clients. As a result, Plaintiffs have been forced to dispatch process servers in an attempt to personally serve the trial subpoenas on Park and Zambuto. To-date, however, and despite multiple attempts at different addresses, the process servers have been unable to effectuate in-hand service of the trial subpoenas on either Park or Zambuto. See Affidavits, annexed hereto as Exhibit “A”.

In this context, Plaintiffs expect that Park and Zambuto’s testimony will be highly relevant to the claims in this action, inasmuch as Park and Zambuto: (i) are Defendants in this case; and (ii) are alleged to have performed many of the chiropractic services that GEICO alleges to be fraudulent and unlawful. Requests to serve parties via their counsel have been granted in numerous cases in this District, including in highly-analogous anti-insurance fraud actions like this one. See, e.g., Government Employees Insurance Company, et al. v. Northern Medical Care, P.C., et al; Docket No. 20-cv-01214-RRM-SMG (E.D.N.Y. 2020)(in anti-insurance fraud action, granting GEICO leave to serve defendants



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via their collections attorneys); Government Employees Insurance Company, et al. v. T&S Medical Supply Corp., et al., E.D.N.Y. Case No. 14-CV-05603 (SJ)(JO); (same); Government Employees Insurance Co., et al. v. Med Help Supply Inc., et al., 13-cv-0747 (WFK)(JMA), Docket No. 12 (permitting GEICO to serve its summons and complaint on defendant by mailing a copy of the papers to its various collections counsel); Government Employees Insurance Co., et al. v. Active Care Medical Supply Corp. et al., E.D.N.Y. Case No. 12-cv-05632 (RRM)(JO) at Docket Entry No. 79 (“GEICO has proposed an alternate service method that is reasonably calculated to apprise [the Defendants] of this action and to give them an opportunity to present their objections.”); see also, Prediction Co. LLC v. Rajgarhia, 2010 WL 1050307 at * 2 (S.D.N.Y. 2010) (granting similar application, and noting that service on defendant’s counsel was “reasonably calculated to apprise” defendant of the action and “afford him an opportunity to present objections” and where court found defendant was already aware of lawsuit).

We appreciate the Court’s consideration.

Respectfully submitted,

RIVKIN RADLER LLP
/s/ Max Gershenoff
Max Gershenoff

cc: All counsel via ECF.